

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

CALVIN REGISTER,

Plaintiff,

v.

CLEAVER-BROOKS, INC.,

Defendant.

Civil Action 7:13-CV-9 (HL)

ORDER

Before the Court is Defendant Cleaver-Brooks, Inc.'s Motion to Vacate (Doc. 9). In its Motion, Defendant contends that it was unaware that a formal complaint had been filed in this matter because the notification of service was sent to Cleaver-Brooks's office in Milwaukee, Wisconsin. Thus, it contends that the clerk's entry of default should be vacated and the case be allowed to proceed.

Under Federal Rule of Civil Procedure 55(c), "[t]he court may set aside an entry of default for good cause...." In this case, the Court finds there is good cause to set aside the default. The Court has no reason to believe that Defendant knew about the case and intentionally failed to file a responsive pleading. This is especially true in light of the prior litigation history between Defendant and the attorney for Plaintiff, Ms. Marie Mattox. In another race discrimination case before this Court, case no. 7:11-cv-144, Ms. Mattox filed suit against Defendant, and Defendant vigorously defended the case. With this

history in mind, it seems unlikely to the Court that Defendant in this case would simply choose to allow the case to default without any type of

For the reasons above, the Motion to Vacate is granted. The Clerk's entry of default is vacated and the case shall proceed.

SO ORDERED, this 25th day of April, 2013.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

ebr